

**IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE**

STATE OF TENNESSEE,)
ex rel. **ROBERT E. COOPER, JR.,**)
ATTORNEY GENERAL & REPORTER,)

Plaintiff,)

v.)

OLUDARE SAMUEL OLOMOSHUA, a.k.a.)
DR. OLUDARE SAMUEL OLOMOSHUA,)
a.k.a. SAM ADU, a.k.a. S. O. B. ADU,)
individually and collectively doing business as)
WISDOMITE SPIRIPATHOLOGY)
HEALING MISSION AND MUSIC)
MINISTRY, INC., SPIRIPATHOLOGY)
SCHOOL OF MEDICINE, WISDOMITE)
HEALING MISSION and)
www.spiripathologyhealing.com, and)
WISDOMITE SPIRIPATHOLOGY)
HEALING MISSION AND MUSIC)
MINISTRY, INC., a domestic non-profit)
corporation doing business as WISDOMITE)
HEALING MISSION, SPIRIPATHOLOGY)
SCHOOL OF MEDICINE, and)
spiripathologyhealing.com,)

Defendants.)

No. _____

STATE OF TENNESSEE’S COMPLAINT

This civil law enforcement proceeding is brought in the name of the State of Tennessee, by and through the Attorney General and Reporter, Robert E. Cooper, Jr. (“Attorney General”), pursuant to the request of the General Counsel of the Department of Health for violations of the

Tennessee Medical Practice Act, Tenn. Code Ann. §§ 63-6-101, *et seq.* and under the authority granted to the Attorney General to represent State departments and boards under Tenn. Code Ann. § 8-6-301(a), (b). Further, this action is commenced at the request of Mary Clement, Director of the Division of Consumer Affairs of the Department of Commerce and Insurance (“Director”), under the Tennessee Consumer Protection Act of 1977 (“TCPA”) (Tenn. Code Ann. §§ 47-18-101, *et seq.*) (“TCPA”). In addition to the authority granted to the Attorney General under the Medical Practice Act and the TCPA, the Attorney General’s authority for this action also stems from the Attorney General’s general statutory enforcement authority under Tenn. Code Ann. § 8-6-109, and the Attorney General’s authority at common law.

The Attorney General and the Department of Health have reason to believe that the above-named Defendants have violated the Tennessee Medical Practice Act by engaging in the practice of medicine without a duly issued medical license by this State. The Attorney General and the Director have reason to believe that the Defendants have violated the Tennessee Consumer Protection Act by engaging in unfair and deceptive acts and practices in connection with offering medical “diagnoses,” “treatments” and “cures” to consumers in Tennessee and elsewhere when Defendants do not hold a license to practice medicine and are offering various unsubstantiated “diagnoses,” “treatments,” and “cures” for life-threatening diseases and illnesses, including but not limited to:

acquired immune deficiency syndrome (“AIDS”), human immunodeficiency virus (“HIV”), adrenal cortical cancer, anal cancer, asthma, bile duct cancer, bladder cancer, bone cancer, brain tumors, cervical cancer, Childhood non-Hodgkin’s Lymphoma, colon cancer, diabetes, rectum cancer, eudiometrical [sic] cancer, eye cancer, gallbladder cancer, gastrointestinal cardioid [sic] tumor, Hodgkin’s disease, Kaposi’s sarcoma, kidney cancer, laryngeal and hypo pharyngeal cancer, leukemia, liver cancer, lung cancer, breast cancer (both female and male), nasal cancer, nasopharyngeal cancer, neuroblastoma, oral cavity cancer, ovarian cancer,

pancreatic cancer, Parkinson's Disease, prostate cancer, rhabdomyosarcoma [sic], salivary gland cancer, skin cancer, stomach cancer, testicular cancer, thyroid cancer, uterine sarcoma, vaginal cancer, Wilms' tumor, schizophrenia, high blood pressure, depression, emphysema, multiple sclerosis, and Alzheimer's disease.

THE PARTIES

1. Plaintiff, State of Tennessee, by and through its Attorney General and Reporter, Robert E. Cooper, Jr., is authorized to represent the Tennessee Department of Health and Tennessee Board of Medical Examiners, in enforcement of the healing arts statutes and the Medical Practice Act, Tenn. Code Ann. §§ 8-6-109(b)(1), 8-6-301, 63-1-121, and 63-6-213(c).

2. Further, Plaintiff, State of Tennessee, by and through its Attorney General and Reporter, Robert E. Cooper, Jr., is charged with enforcing the Tennessee Consumer Protection Act of 1977 ("TCPA"), Tenn. Code Ann. §§ 47-18-101, *et seq.*, which prohibits unfair or deceptive acts or practices affecting the conduct of any trade or commerce. Under Tenn. Code Ann. § 47-18-108(a)(1), the Attorney General may initiate civil law enforcement proceedings in the name of the State to enjoin violations of the TCPA and to secure such equitable and other relief as may be appropriate in each case. The Division of Consumer Affairs has determined in writing that the purposes of the TCPA would be substantially impaired by delay in instituting proceedings against Defendants due to public health and safety issues; as a result, Defendants were not provided with notice pursuant to Tenn. Code Ann. § 47-18-108(2). See Affidavit and Verification of Mary Clement attached as Exhibit A to this Complaint.

3. Upon information and belief, Defendant Oludare Samuel Olomoshua a.k.a. Dr. Oludare Samuel Olomoshua, a.k.a. Sam Adu, a.k.a. S.O.B. Adu ("Olomoshua") is an individual who resides at 1050 44th Avenue North, Nashville, Tennessee. Defendant Olomoshua operates

his business at his residence. Olomoshua is not a citizen of the United States. At all times relevant hereto, Olomoshua has actively participated in the operation, sales, advertising and promotion of Wisdomite, the School of Medicine, the Healing Mission and the www.spiripathologyhealing.com Internet web site, including but not limited to, the providing of “diagnoses,” “treatments” and “cures” to consumers. Further, Olomoshua has acted alone or in concert with others to formulate, direct, control, or had authority to control or participate in the acts and practices of himself and Defendants Wisdomite, the School of Medicine, the Healing Mission and the www.spiripathologyhealing.com Internet web site, including all of the unlawful conduct alleged in the Complaint, and has had authority to control and stop their violations of the law.

4. Upon information and belief, Defendant Wisdomite Spiripathology Healing Mission and Music Industry, Inc. (“Wisdomite”) is a Tennessee nonprofit corporation operating at 1050 44th Avenue North, Nashville, TN 37209. Previously, Defendant Olomoshua conducted Wisdomite at 1211 51st Avenue North, Suite 2, Nashville, Tennessee 37209.

5. Upon information and belief, Spiripathology School of Medicine (“School of Medicine”) is a doing business as (“dba”) name of Olomoshua and Wisdomite operating at 1050 44th Avenue North, Nashville, TN 37209.

6. Upon information and belief, Wisdomite Healing Mission (“Healing Mission”) is a doing business as (“dba”) name of Olomoshua and Wisdomite operating at 1050 44th Avenue North, Nashville, TN 37209

7. Upon information and belief, Internet web site www.spiripathologyhealing.com (“www.spiripathologyhealing.com”) is a doing business as (“dba”) name of Olomoshua and

Wisdomite used and operated on the Internet by Olomoshua and Wisdomite from 1050 44th Avenue North, Nashville, TN 37209.

JURISDICTION AND VENUE

8. This Court exercises jurisdiction over the subject matter of this Complaint and the parties pursuant to Tenn. Code Ann. §§ 47-18-108, 47-18-114, 63-1-121, and 63-6-213. As the Complaint will show, the Defendants have engaged and continue to engage in the practice of medicine without a duly issued medical license in the State of Tennessee or any other state. Further, Defendants are advertising and promoting their/his medical and health services, “diagnoses,” “treatments” and “cures” from offices in Davidson County. Defendants promote via the Internet Defendants’ services, take Internet orders, and receive payments from Tennesseans and other consumers, including Davidson County residents. Defendants also deliver their alleged “diagnoses,” “treatments, and “cures” through their employees and agents, to Davidson County residents, other Tennesseans and consumers elsewhere.

9. Venue is proper in Davidson County pursuant to Tenn. Code Ann. §§ 47-18-108(a)(3), 63-1-121, and 63-6-213 because it is the county where the conduct alleged in the Complaint and the unfair and deceptive acts and practices alleged in this Complaint have occurred, are occurring, or are about to occur.

FACTUAL ALLEGATIONS

Upon information and belief, the State of Tennessee specifically alleges as follows:

10. The State of Tennessee generally alleges that Defendants offer to diagnose, treat, and cure fatal, terminal, and other diseases, conditions, and illnesses without a medical license, misrepresent the extent of their medical expertise and education credentials, offer

unsubstantiated claims about the efficacy and safety of their treatments and cures, promote an illusory money-back guarantee, and do not clearly and conspicuously disclose the conditions associated with the money-back guarantee.

11. On or about 1997, Defendant Olomoshua traveled to the United States from Nigeria on a Nigerian visa with a work permit. Before arriving in Tennessee, Defendant Olomoshua lived in New York, Illinois, and Maryland.

12. Prior to arriving in the United States, Defendant Olomoshua operated a business known as “The Garden of Wisdom” in Nigeria with a similar business model to that of Wisdomite. Defendant Olomoshua left Nigeria, in part, as a result of the financial collapse of the business and a family dispute about the business.

13. Defendant Olomoshua asserts that he changed his name from Sam Adu to Oludare Samuel Olomoshua as a result of this family dispute.

14. In late 1998 or early 1999, Defendant Olomoshua moved to Nashville.

15. Beginning in the late 1990s, Defendants began advertising and promoting their medical services and cures to the public via brochures, literature, and their Internet web site www.spiripathologyhealing.com.

16. On November 24, 1999, Defendant Olomoshua registered the name Wisdomite Spiripathology Healing Mission and Music Ministry with the Tennessee Secretary of State as a nonprofit corporation. That nonprofit corporation is currently in active status. No other Defendant besides Wisdomite is incorporated in the State of Tennessee.

Practicing Medicine Without a License

17. Defendant Olomoshua does not and has never possessed a license to practice medicine in the State of Tennessee or any other state in the United States of America nor has he received any formal educational training in conventional medicine.

18. Defendant Olomoshua does not and has never possessed a license to practice medicine in his home country of Nigeria nor has he received a degree in medicine from an accredited school in his home country of Nigeria.

19. The only documents Defendant Olomoshua has that approach medical education credentials or a medical license are a Certificate of Participation in Alternative Medicine from the Nigerian College of Film Technology and a Certificate of Participation at the Nigerian Television Authority's "2nd Traditional Medicine Fair."

20. Defendant Olomoshua claims to have began "practicing medicine" from the age of five (5) or seven (7).

21. Defendant Olomoshua professes to be able to treat and cure consumers for all terrible medical conditions, illnesses and diseases, including cancer and HIV/AIDS.

22. Defendant Olomoshua professes to have the ability to diagnose consumers by merely viewing a photograph or looking at the consumer/patient.

23. In addition to holding himself out as an "M.D.," "Ph.D.," "doctor," "physician," "practitioner," and a "professional" without justification, Defendant Olomoshua uses terminology closely associated with the practice of medicine. Defendant Olomoshua claims to "practice medicine," be "the best health provider," engage in "scientific research," "consult patients," be a "scientist," be an "HIV/AIDS and cancer specialist," and have "clinically tested" his methods.

24. Elsewhere, Defendant Olomoshua refers to his method of providing “perfect cures” for terrible diseases as being based on scientific fact.

25. Defendant Olomoshua takes excerpts from the descriptions of diseases or statistics about diseases from other sources. For example, within the tab marked “HIV/AIDS FACTS,” Defendant Olomoshua cites the statistical data gathered by the U.S. Department of Health and Human Services and the Center for Disease Control and Prevention in order to appear more credible. Elsewhere, Defendant Olomoshua integrates diagrams and pictures of breast cancer and depictions of cancer at the cellular level.

26. On July 18, 2006, Defendant Olomoshua proclaimed J.T., an investigator for the Tennessee Department of Health, as having three viruses after touching her and indicated he could provide treatment.

27. Defendants provide instructions and directions to patients/consumers on how to use the various non-FDA approved and unsubstantiated treatments and “cures” offered by them to the public.

Teaching More Individuals to Practice Medicine Without a License

28. Commencing at a time presently unknown to the Plaintiff but at least as early as the late 1990s, the Defendants began advertising and promoting their medical school to the public via brochures, literature, and their Internet web site, www.spiripathologyhealing.com.

29. Defendants offer three (3) month, six (6) month, and twelve (12) month courses on a sliding cost scale and use terms such as “registration fee,” “diploma,” “final examination,” “course,” “institute,” and “lesson.”

30. Defendants currently have approximately five (5) students/consumers enrolled in the “School of Medicine.”

31. Defendants promote and operate a “medical school” by providing instruction, materials, and a curriculum to consumers through correspondence or otherwise.

32. Defendants purport to offer their students how to diagnose, cure, and treat all terrible diseases including HIV/AIDS and cancer.

33. Defendants offer a “Ph.D.” program for \$350 per lesson.

34. Defendants state that through their program “You will earn (MD*) after your name.”

35. Defendants also state, “You will be able to have victims of terrible diseases from Cancer to HIV/AIDS as your clients, counseling them in perfect health with a money back guarantee”

36. Elsewhere, Defendants state, “We have designed the study to three stages: Diploma, Degree and Professional (Ph.D.) level, so we can have more safer [sic] Doctors around the world Register now for Spiripathology School of Medicine and study Spiripathology Science that give safe cure to terrible diseases.”

37. Students of the school receive a five percent (5%) commission on what the patient pays when they refer a patient.

38. Defendants have advertised for their medical school in the Tennessean, the Nashville Scene, with the *Metropolitan Transit Authority*, and on Lafayette Radio Broadcasting, WKDF radio, and WGFX radio.

39. Defendants have authored and created articles concerning the medical school and its treatments for the West Side News.

Misrepresenting Being a Medical Doctor

40. In Defendants' statements, advertisements, Internet web sites, literature, and videos, Defendants have represented or implied to Tennesseans and to other consumers that they are or have on staff a M.D., doctor, physician, practitioner, or otherwise imply that a professional oversees the clinic, when such is not the case.

41. Defendant Olomoshua refers to himself as "Dr. Oludare Sam Olomoshua" and indicates he practices "Spiripathology Medicine."

Misrepresenting Being a Specialist

42. In Defendants' statements, advertisements, Internet web sites, literature, and videos, Defendants have used misleading, deceptive and unfair terms to represent or imply to

Tennesseans and to other consumers from Tennessee that they are or have on staff a “Specialist on Cancer & HIV/AIDS,” when such is not the case.

43. Defendants do not possess any speciality or other certification from any accrediting authority in cancer, HIV/AIDS or any other area.

Misrepresenting Being a Ph.D.

44. In Defendants’ statements, advertisements, Internet web sites, literature and videos, Defendants have represented or implied to Tennesseans and to others from Tennessee that Mr. Olomoshua possesses a “Ph.D.,” when such is not the case.

Unapproved and Unsubstantiated Medical Condition Cures / Treatments

45. Defendants claim to cure all terrible diseases that afflict mankind. Defendants claim to specialize in curing cancer and AIDS and offer several serums, oils, and perfumes to “cure” these ailments.

Cancer Cures

46. Defendants make specific claims to cure all types of cancer. Defendants state, “All types of cancer are curable, perfectly curable, and make it very easy for the patient if they do not go under surgery, chemotherapy, and chemicalized drugs. Spiripathology Medicine gives perfect cure to all types of cancer and brings good living to all.”

47. Elsewhere, Defendants specifically claim to cure the following fifty-eight (58) varieties of cancer:

Adrenal Cortical cancer, Anal cancer, Bile Duct cancer, Bladder cancer, Bone cancer, Bone Metastasis, Brain / cns Tumors in Adult [sic], Brain/cns Tumor in children, Breast Cancer, Cancer General, Cervical cancer, Childhood non-Hodgkin's Lymphoma, Colon and rectum cancer, Eudiometrical [sic] cancer, Ewing's Family of tumors, Eye cancer, Gallbladder cancer, Gastrointestinal cardioids tumor, Gestatopma Trublolaphi [sic] Disease, Hodgkin [sic] disease, Kaposi's Sarcoma, Kidney cancer, Laryngeal and Hypo pharyngeal cancer, Leukemia adult chronic, Leukemia - Adult acute, Leukemia - children, Liver cancer, Lung cancer, Carcinoid tumor, Male Breast cancer, Malignant Mesothelioma, Metastasis cancer, Multiple Myeloma, Myelodysplastic syndrome, Nasal cavity and Para nasal cancer, Nasopharyngeal cancer, Neuroblastoma, Non-Hodgkin's Lymphoma, Oral cavity and orapharyngeal [sic] cancer, Osteosarcoma, Ovarian cancer, Pancreatic cancer, Penile cancer, Pituitary tumor, Prostate cancer, Rhabdomyosarcoma [sic], Salivary gland cancer, Sarcoma - Adult soft tissue cancer, Skin cancer - Melanoma, Skin Cancer - nonmelanoma [sic], Stomach cancer, Testicular cancer, Thymus cancer, thyroid cancer, Uterine sarcoma, Vaginal cancer, Wilms' tumor, and Pelvic Cancer.

48. On their web site, Defendants offer “Anti-cancer syrup 100% Perfect” for seven hundred dollars and fifty-nine cents (\$700.59).

49. In their literature and on their Internet web site, Defendants offer the following products to “cure” breast cancer: Spiripathy Mystical Protection Soap, Spiripathy Jinx Removing Mystical Sprinkling Salt, Spiripathy Mystical Protection Anointing [sic] Perfume, Spiripathy Rose of Jerico [sic] Mystical Solution, Spiripathy anointed great victory incense, Spiripathy Anointed Oil, Holy Spirit Invitation Command in Song, and Spiripathy 909 500 ml.

50. Defendants state, “To be well protected form [sic] the breast cancer attack it is good to take banishing operation super bath at least two times a year.”

51. Defendants offer the following products in order to “cure” all types of cancer: Spiripathy Mystical Protection Soap, Spiripathy Jinx Removing Mystical Sprinkling Salt, Spiripathy Mystical Protection Anointing [sic] Perfume, Spiripathy Rose of Jerico [sic] Mystical Solution, Spiripathy anointed great victory incense, Spiripathy Anointed Oil, Holy Spirit Invitation Command in Song, and DSR 2003 NY Bronx 500 ml.

52. Defendants claim, “This syrup will remove every TYPE OF CANCER virus in your blood, wherever they hide, it will scan your system and bring it out.”

53. Defendants have promoted their goods, “cures” or treatments to consumers called “Spiripathy Cool Therapgy [sic]” which is promoted as “capable of treatment to cancer, skin cancer, pains, it must be added to water for bath. Highly Effective for healing”

54. None of the Defendants products have been approved by the federal Food and Drug Administration (“FDA”) for any purpose including but not limited for the treatment of “cancer, skin cancer or pains.”

55. Defendants do not possess verifiable peer reviewed scientific evidence to substantiate and/or support their promoted and advertised claims for any of their products.

56. Defendants do not possess the substantiation required by the Federal Trade Commission (“FTC”) for such claims.

HIV/AIDS Cures

57. Defendants also promote serums as a cure for HIV/AIDS. Defendant Olomoshua states on his web site, “I, Dr. Oludare Samuel Olomoshua [provide] perfect medicine that give cure to HIV/AIDS . . . [as] once and for all treatment . . . from positive to negative . . . perfect cure within a short period.”

58. Defendants have promoted a good, “cure” or treatment to consumers called “1st. Spiripathy Explosion Soap Anti HIV/AIDS” and claim “This soap cleans your skin of all toxicity the virus created”

59. Elsewhere, Defendants advertise HIV/AIDS Syrup for Perfect Cure and DSR 2003 Spiripathy Therapy (Anti HIV/AIDS).

60. Defendants have promoted a good, “cure,” or treatment to consumers called “2nd Explosion 3000: Anti HIV/AIDS OIL” and claim “This oil was made with explosive power in Spiripathology Medicine, Which is invisible to human but visible for HIV/AIDS viruses. All the viruses that associated with HIV/AIDS, knows that the power that must destroy them within a short period of time have come if used”

61. The Defendants have promoted a good, “cure,” or treatment to consumers called “3rd. Explosion 3000 Anti HIV/AIDS SYRUP” and claim “Explosion 3000 is powerful Syrup that only large HIV/AID VIRUSES Within 6 weeks go for a test, you will be HIV/AIDS Negative”

62. None of Defendants’ “cures” have been approved by the federal Food and Drug Administration for any purpose, including, but not limited to, the treatment or prevention of HIV/AIDS.

63. Defendants do not possess verifiable peer reviewed scientific evidence to substantiate/support their claims for any of their HIV/AIDS “cures” or treatments.

64. Defendants’ claims about their AIDS cures are particularly troubling given that Defendant Olomoshua suggests that after treatment his patients may resume sexual activity. In a recounting of one of his patient’s experiences, Defendant Olomoshua states:

The doctor’s cure took just three weeks, what made me laugh . . . his case has been number one I will never forget. He called me very early in the morning around 3 a.m. or so, he said ‘do you know that my sex organ is working now, it just stood up and ready for action. This has never happen for many years.’

65. Defendants do not possess the substantiation required by the Federal Trade Commission for such claims. There is no known medical cure for HIV or AIDS.

Other Cures

66. While Defendants claim to treat and cure all “terrible” diseases, Defendants make specific claims to cure heart attack, high blood pressure, blood clots, asthma, Parkinson’s disease, schizophrenia, hemorrhoids, fibroid, painful menstruation, diabetes, tuberculosis, yellow fever, and malaria without approval from the FDA or the substantiation of two well controlled scientific studies required by the Federal Trade Commission for those who make health and safety claims.

Heart Attack Cures

67. Defendants have promoted a good, “cure,” or treatment to consumers called “Perfect Healing to Heart Attack Demon Seed Remove, 2003” which is alleged to “get you out of heart attack, and make you [sic] heart work better with powerful protection, it also prevent [sic] future attack!” and is a “perfect healing to high blood pressure and “perfect cure to blood clot, heart diseases, high blood pressure or hypertension.”

Asthma Cures

68. Defendants have promoted a good, “cure” or treatment to consumers called “Spiripathy Anti [sic] Asthma” and claim “[T]his is a great treatment for victims of Asthma especially adults” and “[N]o matter how bad your asthma is . . . using this syrup you must be healed perfectly”

69. Defendants have promoted a good, “cure,” or treatment to consumers called “Spiripathy Angelic Super 500 (SAS 500)” and claim “[T]his is a great treatment for victims of Asthma especially adults” and “(n)o matter how bad your asthma is . . . using this syrup you must be healed perfectly”

70. Defendants have promoted a good, “cure,” or treatment to consumers called “Spiripathy Anti Asthma for Children 60 ml to 120 ml.”

71. The Defendants have promoted a good, “cure,” or treatment to consumers called “Asthmatic Syrup” and claim, “This syrup was made by me very powerful for Asthma, this was not limited to Africa, even in USA, I have used this medicine to cure a lot of Asthma Patients both young and Old.”

Parkinson’s Disease Cure

72. Defendants have promoted a good, “cure,” or treatment to consumers called “Brain Majesty (MB5-3000)” and claim “[T]his syrup is a Perfect Healing to Parkinson’s disease” and it “will correct the damaged brain cells.”

Schizophrenia Cures

73. Defendants have promoted a good, “cure,” or treatment to consumers called “Brain Majesty (MB5-3000)” and claim “[T]his syrup is a Perfect Healing to Schizophrenic Disorder” and it “will correct the damaged brain cells” and “you do not need to tell (the patient)

about it, there is a way you can use it which they will not know you are giving them any treatment. For details contact Dr. Oludare Sam Olomoshua.”

Hemorrhoid Cures

74. Defendants have promoted a good, “cure,” or treatment to consumers called “Hemorrhoid” and claim “[T]his is a medicine that gives perfect cure to acute pile instead of surgery; the patient will not need surge [sic] but take this medicine and give perfect cure to Hemorrhoid.”

Fibroid Cures

75. Defendants have promoted a good, “cure,” or treatment to consumers called “Black Herman Fibroid Power” and claim “[T]his is another medicine produced by me . . . this medicine go with a complete set, it is meant for women instead of surgery, when taken the fibroid will be cleanly removed and the women will be perfectly okay.”

Painful Menstruation and Related Cures

76. Defendants have promoted a good, “cure,” or treatment to consumers called “St. Michael AA Syrup” and claim “[T]his deals and cures internal disorders in the body profuse menstruation, menorrhagi, painful menstration [sic]-- Pysmernorrhoea, premenstruation, and Circulatory disturbance-- Molimen, Metrorrhagia, Menopause and Frigidity [sic] in woman. Leucorrhoea -- white vaginal discharge aside from gonorrhea Treatment of this condition is difficult, but with my research, this medicine cures it and prevents female from having this sickness, by making a total cure and cleanliness of the positions.”

Diabetes Cures

77. Defendants have promoted a good, “cure,” or treatment to consumers called “Black Herman Caloria DB Syrup” and claim “Diabetes is a disorder in which the pancreas does not produce enough insulin . . . I made this syrup which was very powerful and enough insulin was produced by the system, and that was free of Diabetes.”

Tuberculosis Cures

78. Defendants have promoted a good, “cure,” or treatment to consumers called “Bacillus TB Syrup” and claim “[T]his syrup was made by me to give a perfect cure to Tuberculosis All patients with tuberculosis who used my medicine then was perfectly cured.”

Yellow Fever and Malaria Cures

79. Defendants have promoted a good, “cure,” or treatment to consumers called “Samo-quine Syrup” and claim “[T]his syrup was number one then for perfect cure to yellow and malaria fever.”

Unsafe to Urge Consumers to Forego Traditional Medical Assistance

80. Defendants state, represent, and promote that Spiripathology is incompatible with conventional medicine and urge consumers to forgo traditional medical treatment.

81. In the “Frequently Asked Questions” portion of Defendants’ Internet web site, Defendants state, “Q: If I’m undergoing my spiripathy therapy, could I still use my formal

drugs? A: No. Once you want to go on the spiripathy therapy, you will stop taking all medications.”

82. Defendants also state on their Internet web site, “Say No to Surgery on Terrible Diseases!”

83. Defendants also state, “[Chemotherapy] is not good at all; it created more problems to the victims of cancer than good. . . . Many types of cure has been brought in to cancer but it did not work but creates more problems to the victims.”

84. Defendants represent that they will raise the cost of their products if the patient has undergone traditional medical treatment. Defendants state, “If you have already undergone Medical Treatment (Chemotherapy, Radiation, Surgery, and Others) that created more problems, the cost depend on the damages already done. Medical approach is not the right way for Cancer Treatment, Spiripathology Medicine is the way.”

85. Defendants also state, “All types of cancer are curable, perfectly curable and make it very easy for the patient if they do not go under surgery, chemotherapy, and chemicalized drugs.”

86. Defendants promote “DSR 2003 Prevention of Desease [sic] and indicate that you “do not need vaccination drugs” because “this will do the entire job.”

87. Defendants have promoted they can “show and educate man about Spiripathology Medicine Correcting misunderstanding about Medicine and Cure to terrible diseases without surgery, chemo or radiation that destroy lives.”

88. Defendants state, “Q: [I]f I am suffering from cancer, should I not undergo any physical surgical operation? A: Yes. You will not undergo physical surgical operation, no pain, and no loss of blood”

89. Defendants state, “Q: If I am undergoing Spiripathy Therapy, could I still use my formal drugs? A: No! Once you want to go on Spiripathy Therapy, you will stop taking all medications.”

90. Defendants state, “Our goal is to heal those who need it perfectly without surgery, stem cell or chemotherapy”

Claims of Benefits of Spiripathology Medicine Over Conventional Medicine

91. Defendants compare the purported benefits of Spiripathology Medicine over conventional medicine and represent that Spiripathology Medicine is better at treating and curing disease than conventional medicine.

92. Defendants state:

[W]hat is the advantage of Spiripathology medicine over conventional medicine practice on terrible diseases? The advantage of Spiripathology medicine practice on terrible diseases over OTHER MEDICINE: Spiripathology Medicine Practice Modern Medicine on cure to Terrible Diseases, while Conventional uses Old ages that is very Old way of cure to terrible diseases which is destructive.

- A. Spiripathology medicine does not support surgery.
- B. Spiripathology medicine does not support chemotherapy.
- C. Spiripathology medicine does not support stem cell type of healing.
- D. Spiripathology medicine discovers the cause of diseases or problems fast and gives solution to it.

- E. Spiripathology medicine gives money back guaranteed [sic] on healing service.
- F. Spiripathology medicine gives protection and prevention perfectly.
- G. Spiripathology medicine brings healing to your fingertip, with little faith or no faith at all.
- H. Spiripathology medicine is not after money but after the well being of mankind.
- I. Spiripathology medicine gives tenderness to human life, and gives everlasting hope.
- J. Spiripathology medicine make impossible possible because miracle is so simple.
- K. Spiripathology medicine never supports Medical Marijuana.
- L. Spiripathology Medicine gives perfect cure guarantee to terrible diseases.
- M. Above all Spiripathology Medicine did not liken human being to rodent, rabbit or other animal in medical research, but respected human being in the image of God, the true spirit of God once more not rodent or rabbit and our research are conducted in this way while we received perfect result without any after effect from those that take our medicine.

93. Defendants charge or promote charges to consumers for the services, goods, treatments and cures they offer.

94. Relying on Defendants misrepresentations, statements, and claims, consumers have purchased services, goods, treatments and cures offered and created/produced by Defendants.

95. It is medically unsafe for consumers/patients with life-threatening diseases such as cancer, diabetes, HIV/AIDS, Parkinson's Disease and the like to forego traditional medical care and treatment.

96. Defendants' treatments have not been established as safe for use on consumers/patients by the federal Food and Drug Administration. Yet, Defendants make multiple claims about the "safety" of their treatments.

97. For example, Defendants claim, "Register now for Spiripathology School of Medicine and study Spiripathology Science that give safe cure to terrible diseases."

98. There are no known medical cures for many of the diseases, conditions or illnesses that Defendants profess to cure.

99. As a result of Defendants' conduct described herein, consumers have suffered ascertainable losses associated with the various unfair, deceptive and misleading acts and practices described in this Complaint.

Illusory Money Back Guarantee and Failure to Adequately Disclose Conditions on the Money Back Guarantee

100. In Defendants' statements, advertisements, Internet web sites, literature, and videos, Defendants have promoted a "MONEY BACK GUARANTEE" and "MONEY BACK GUARANTEED ON CURE TO TERRIBLE DISEASES."

101. Defendants state, "How much does it cost to get Spiripathy healing? \$350.00 to \$15,000.00 We also make your healing a must or your money back that is our money back guarantee."

102. On the cover of Defendants' "Perfect healing to Cancer & HIV/AIDS, with the Modern Medicine of our Time" pamphlet by Defendant Olomoshua, Defendants promote "PERFECT HEALING TO CANCER AND HIV/AIDS OR YOUR MONEY BACK"

103. On the back of Defendants' "Perfect healing to Cancer & HIV/AIDS, with the Modern Medicine of our Time" by Defendant Olomoshua, Defendants promote "PERFECT HEALING TO BREAST CANCER OR YOUR MONEY BACK"

104. The conditions on Defendants' money-back guarantee are found in a remote link entitled "Policy" at the bottom of Defendants home page. The "Policy" link connects to a web page that features a small text box measuring approximately 1/2" by 2 1/2" inches that contains the terms and conditions of the money-back guarantee in text that is nearly completely illegible in terms of its size and definition.

105. In Defendants' Special Note to the Policy," Defendants state the following terms or conditions, neither clearly nor conspicuously:

ABOUT MONEY BACK GUARANTEED! [sic] We do not guaranteed this if the patient make mistake (s) which we can not provide ANSWER to before the mistake (s) was committed, we can not guarantee it at all.

106. Elsewhere in the "Special Note to the Policy," Defendants state:

As we do not support Surgery, Chemotherapy, and Pain killer Drugs, this mean if you have taken this and you ask for treatment, we do not give (Donation) money back guaranteed [sic] or perfect healing guaranteed [sic] but we will try our best to see how we can give you better treatment, this again depend on the damages already done by conventional medicine and treatment you have taken.

107. Defendants completely eliminate any chance the patient/consumer might have to invoke the “money back guarantee” and create an illusory money back guarantee, by stating, “While Those Patients that interested only in Physical Scientific Prove of Cure to Their Diseases after treatment does not apply.”

Use of Testimonies Without Consent

108. In Defendants’ statements, advertisements, Internet web sites, literature, and videos, Defendants have used testimonials or other claims of cures or treatment of specific patients/consumers without their consent.

109. In Defendants’ statements, advertisements, Internet web sites, literature, and videos, Defendants have falsely implied through the use of such testimonies that patients/consumers have been cured with Defendants’ treatments.

110. In Defendants’ materials, Defendants have publicly stated that a patient/consumer has a life-threatening illness such as HIV/AIDS without the consumer’s consent and in violation of health privacy laws.

Ascertainable Losses Have Been Suffered

111. As a result of Defendants’ conduct described herein, consumers have suffered ascertainable losses associated with the various unfair, deceptive and misleading acts and practices described in this Complaint.

VIOLATIONS OF THE LAW

Plaintiff hereby incorporates by reference and re-alleges each and every allegation contained in paragraphs 1 through 111.

COUNT ONE: Violations of the Tennessee Medical Practice Act

112. Defendants' professed diagnosing, treating, and "curing" of consumers constitutes the practice of medicine, as defined in Section 63-6-204(a)(1) of the Tennessee Medical Practice Act. It is unlawful to practice medicine in the State of Tennessee without holding a duly-issued license to do so. Tenn. Code Ann. §§ 63-6-201(a), 203. Each day of continued violation of the Medical Practice Act constitutes a separate violation, Tenn. Code Ann. § 63-1-134(a).

COUNT TWO: Violations of the Tennessee Consumer Protection Act of 1977

113. Defendants' conduct of the offering of medical services, treatments, or "cures" to consumers for sale as alleged herein, constitutes the offering of or providing of "goods" and/or "services" and constitutes "trade," "commerce" and/or a "consumer transaction" as defined in Tenn. Code Ann. § 47-18-103 (5), (10) and (11). Each and every breach of the TCPA constitutes a separate violation per Tenn. Code Ann. § 47-18-108(b)(3).

114. By engaging in the aforesaid conduct as alleged in this Complaint, Defendants have violated the Tennessee Consumer Protection Act by committing acts and practices that are unfair, in violation of Tenn. Code Ann. § 47-18-104(a). Each breach of the Act constitutes a separate violation per Tenn. Code Ann. § 47-18-108(b)(3).

115. By engaging in the aforesaid conduct as alleged in this Complaint, Defendants have violated the Tennessee Consumer Protection Act by committing acts and practices that are

per se deceptive, in violation of Tenn. Code Ann. § 47-18-104(b). Each breach of the TCPA constitutes a separate violation per Tenn. Code Ann. § 47-18-108(b)(3).

116. Defendants have caused and are causing likelihood of confusion or misunderstanding as to the source, sponsorship, approval or certification of goods or services, in violation of Tenn. Code Ann. § 47-18-104(a), (b)(2) and (b)(27), including but not limited to, representing that Defendant Olomoshua has/had medical licensure or is a doctor, physician, practitioner, professional, a M.D., a Ph.D. or a HIV/AIDS and cancer specialist.

117. Defendants have caused and are causing likelihood of confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another, in violation of Tenn. Code Ann. § 47-18-104(a), (b)(3) and (b)(27), including but not limited to, representing that Defendant Olomoshua has/had medical licensure, a Ph.D. or specialization or certification in cancer, AIDS, and/or HIV.

118. Defendants have represented and are representing that their treatments, cures, goods and services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that Defendants have sponsorship, approval, status, affiliation or connection that Defendants do not have, in violation of Tenn. Code Ann. § 47-18-104(a), (b)(5) and (b)(27), including but not limited to, making claims about the efficacy of Defendants' treatments and cures without adequate substantiation from two well-controlled scientific studies as required by the Federal Trade Commission for health and safety related claims and thus the TCPA through Tenn. Code Ann. § 47-18-115.

119. Defendants have represented and are representing that a consumer transaction confers or involves rights, remedies or obligations that it does not have or involve or which are prohibited by law, in violation of Tenn. Code Ann. § 47-18-104(a), (b)(12) and (b)(27), including but not limited to, offering a money back guarantee which does not have the remedies it implies.

120. Defendants have violated Tenn. Code Ann. § 47-18-104(a) and (b)(27) by failing to clearly and conspicuously disclose the conditions of their money back guarantee.

121. Defendants have engaged in and are engaging in other acts or practices which are deceptive to the consumer or to any other person, in violation of Tenn. Code Ann. § 47-18-104(a) and (b)(27), including but not limited to, offering medical diagnoses, treatments, and “cures” to consumers without the having the lawfully required medical licensure, urging consumers to forego medical treatment for life-threatening illnesses, diseases and conditions, and making unsubstantiated medical, health claims to consumers.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff, State of Tennessee, through its Attorney General and Reporter, Robert E. Cooper, Jr., pursuant to the Medical Practice Act, the TCPA, the Attorney General’s general statutory authority, the Attorney General’s common law authority and this Court’s equitable powers, prays:

1. That this Complaint be filed without cost bond as provided by Tenn. Code Ann. § 47-18-116;

2. That process issue and be served upon Defendants, requiring them to appear and answer this Complaint;

3. That this Court adjudge and decree that Defendants have engaged in the aforementioned acts or practices which violate the Tennessee Medical Practice Act;

4. That this Court adjudge and decree that the Defendants have engaged in the aforementioned acts or practices which violate the Tennessee Consumer Protection Act of 1977;

5. That this Court temporarily and permanently enjoin Defendants from engaging in the aforementioned acts and practices which violate the Tennessee Medical Practice Act pursuant to Tenn. Code Ann. §§ 63-1-121 and 213(c);

6. That this Court temporarily and permanently enjoin Defendants from engaging in the aforementioned acts or practices which violate the Tennessee Consumer Protection Act of 1977 and that such orders and injunctions be issued without bond pursuant to Tenn. Code Ann. § 47-18-108(4);

7. That this Court make such orders or render such judgments as may be necessary to restore to any consumer or other person any ascertainable losses, including statutory interest suffered by reason of the alleged violations of the Tennessee Consumer Protection Act of 1977, and require that Defendants be taxed with the cost of distributing and administering the same pursuant to Tenn. Code Ann. § 47-18-108(b)(1);

8. That this Court make such orders or render such judgments as may be necessary to disgorge the profits and ill-gotten gains Defendants realized by reason of the alleged violations of the Tennessee Consumer Protection Act of 1977;

9. That this Court enter judgment against Defendants and in favor of the State for the reasonable costs and expenses of the investigation and prosecution of the Defendants' actions, including attorneys' fees, expert and other witness fees, as provided by Tenn. Code Ann. § 47-18-108(a)(5) and (b)(4);

10. That this Court adjudge and decree that Defendants pay civil penalties of not more than one thousand dollars (\$1,000.00) per violation to the State as provided by Tenn. Code Ann. § 47-18-108(b)(3);

11. That this Court adjudge and decree that the Defendants pay civil penalties of not more than one thousand dollars (\$1,000.00) per day of violation to the State as provided by Tenn. Code Ann. § 63-1-134 for violations of the Tennessee Medical Practice Act;

12. That all costs in this case be taxed against Defendants; and

13. That this Court grant Plaintiff such other and further relief as this Court deems just and proper.

Respectfully submitted,

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APPROVED AND RECOMMENDED BY:

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